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April 12, 2004

T.R.A. DOCKET ROOM

Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re Petition of CompSouth to Open a Rulemaking on Tariff Filings and
Tariff Review Procedure
Docket No 04-00086

Dear Chairman Tate

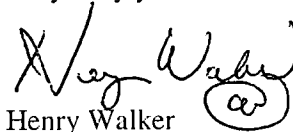
As you are aware, CompSouth has petitioned the Authority to open a rulemaking on tariff filings and tariff review procedure. The petition is on today's conference agenda.

Two hours before the close of business for the holiday weekend, BellSouth delivered to your office a letter asking that the Authority postpone consideration of CompSouth's petition because of the recent passage of new legislation concerning the Authority's tariff filing procedures. BellSouth suggests that, before opening a rulemaking docket, the agency should first "invite comments" on the impact of legislation.

BellSouth's request does not make any sense. The new legislation on tariff filings mandates procedures that are inconsistent with the agency's current rules. Obviously, the TRA needs to open a rulemaking proceeding if for no other reason than to amend the Authority's rules to conform to the statute. In the process, the rulemaking should also consider other rule changes which are not addressed by the statute, such as CompSouth's suggestion that the agency define when it is appropriate to open a contested case proceeding to review a proposed tariff. Finally, the opening of a rulemaking will demonstrate that, with or without legislative prodding, the TRA is always willing to hear and consider carriers' concerns about tariff filing procedures.

The new statute becomes effective in three and one-half months. If the Authority begins rulemaking proceedings now, there should be sufficient time for the agency to draft amendments to its existing rules to conform to the legislation. In the process of doing that, there will be ample opportunity for participants to comment on the impact of the statute.

Very truly yours,


Henry Walker

cc Guy Hicks